

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 16-00975-VBF (AS)	Date	August 1, 2016
Title	<u>Michael Webster Valentine v. Raymond Madden, Warden</u>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
Alma Felix	N/A
Deputy Clerk	Court Reporter / Recorder
Attorneys Present for Petitioner	Attorneys Present for Respondent:
N/A	N/A

Proceedings: **(IN CHAMBERS) ORDER TO SHOW CAUSE**

On February 11, 2016, Petitioner filed a Petition for Writ of Habeas Corpus by a Person in State Custody, pursuant to 28 U.S.C. § 2254. (Docket Entry No. 1).

On June 20, 2016 (following the Court's issuance of an Order denying "Petitioner's Request to Hold Proceedings in Abeyance" pursuant to Rhines v. Weber, 544 U.S. 269 (2005), see Docket Entry No. 7), Respondent filed a Motion to Dismiss the First Petition ("Motion to Dismiss"), contending that the Petition is time barred. (Docket Entry No. 17). On June 21, 2016, the Court issued an Order directing Petitioner to file an Opposition to the Motion to Dismiss no later than July 21, 2016. (Docket Entry No. 19).

To date, Petitioner has failed to file an Opposition to the Motion to Dismiss or request an extension of time in which to do so.

Accordingly, Petitioner is ORDERED TO SHOW CAUSE within **twenty-one (21) days** of the date of this Order (by no later than **August 22, 2016**), why this action should not be dismissed with prejudice for failure to prosecute and/or for failure to comply with Court orders. Petitioner may discharge this Order by filing an Opposition to the Motion to Dismiss, or by filing a declaration under penalty of perjury stating why he is unable to do so.

If Petitioner no longer wishes to pursue this action, he may request a voluntary dismissal of this action pursuant to Fed. R. Civ. P. 41(a). A Notice of Dismissal form is attached for Petitioner's convenience.

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Petitioner is warned that the failure to timely file a response to this Order may result in a recommendation that this action be dismissed with prejudice for his failure to prosecute and/or obey court orders. See Fed. R. Civ. P. 41(b); Rule 12, Rules Governing Section 2254 Cases in the United States District Courts.

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Preparer